

AMENDMENTS TO THE DRAWINGS

The attached Replacement Sheet of drawings includes changes to Fig. 4. This Replacement Sheet replaces the original sheet including Fig. 4. In Fig. 4, an extraneous instance of reference numeral “15” has been removed, as illustrated in the attached Annotated Sheet.

Attachment: Replacement Sheet
 Annotated Sheet

REMARKS

Applicants thank the Examiner for the thorough consideration given the present application. Claims 1-27 are pending in the present application. Claims 1-23 have been amended. Claims 24-27 are new. Claims 1, 12, 24, and 26 are independent claims. The Examiner is respectfully requested to reconsider the outstanding objections and rejections in view of the above amendments and the following remarks.

Claim for Priority

It is gratefully acknowledged that the Examiner has recognized Applicants' claim for foreign priority. In view of the fact that Applicants' claim for foreign priority has been perfected, no additional action is required from Applicants at this time.

Drawings

The Examiner objects to the drawings for failing to show every element recited in claims 12-22. However, the Examiner does not specifically point out which claim elements are allegedly missing from the drawings. Presumably, the Examiner is making this objection because the drawings do not have labels using the "means for" language recited in the claims.

Applicants point out that claims 12-22 have been amended to replace the "means" language with the terminology used in conjunction with Figs. 1-4. For instance, the "means" elements of independent claim 12 have been replaced with "a device configured as a connection-formation system" (illustrated in the drawings as ref. no. 13), "a device configured as a mediator" (illustrated as ref. no. 14), and "a traffic relaying system" (illustrated as ref. no. 15).

Based on the aforementioned amendments, the Examiner is respectfully requested to reconsider and withdraw this objection.

Specification

The Examiner objects to the Abstract for using legal phraseology such as “means for,” and for including “(figure 2).” The Examiner further objects to the Specification for containing embedded hyperlinks and for not containing the section headings set forth in 37 C.F.R. § 1.77(b).

Attached hereto is a Substitute Specification. This Substitute Specification contains an amended Abstract (on a separate sheet) with the “means for” language and the “(figure 2)” removed. Also, in the Substitute Specification, the appropriate headings have been inserted and the embedded hyperlinks have been removed. Accordingly, the Examiner is respectfully requested to withdraw these objections.

Claim Objections

The Examiner has objected to claims 4-11 and 14-22 as being in improper form because a multiple dependent claim cannot depend from any other claim. In response, Applicants have amended claims 4-11 and 14-22 as single dependent claims. Accordingly, this objection should be withdrawn, and claims 4-11 and 14-22 should be treated on their merits in the next Office Action.

Rejections Under 35 U.S.C. § 112

Claims 1-23 stand rejected under 35 U.S.C. § 112, 2nd paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as their invention.

The Examiner asserts that the use of the phrase “and/or” renders claims 1, 4, and 5 indefinite. In the above claim amendments, the phrase “and/or” has been removed.

The Examiner asserts that claims 1-11 do not set forth any clear steps for carrying out the claims method. Applicants have amended the claims to more clearly recite the steps for carrying out the claimed method.

The Examiner asserts that the phrase “such as” in claim 1 renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. In the above amendments, the phrase “such as” has been removed from claim 1.

The Examiner asserts that the phrase “routed differently” in claim 1 is indefinite, because it is allegedly unclear whether this phrase is referring to a different route or to signalling information having a different priority level. While Applicants are still uncertain why the Examiner finds the original phraseology confusing, Applicants have amended claim 1 by replacing “routed differently from” with --separate from--. As such, the claim clearly and definitely recites a signalling connection which is separate from the mutual data communications connection.

The Examiner asserts that it is unclear what the “at least one session” in claim 1 is to be individualized from. To clarify this, Applicants have amended claim 1 to recite, “monitoring the data communications connection *individually* for a session” (emphasis added). Applicants respectfully submit that this meets the definiteness requirement of § 112, 1st paragraph.

The Examiner asserts that it is unclear what is meant by “means for limiting” recited in claims 12-22. Applicants have amended these claims so that they now recite “A system for limiting...” in the preamble.

The Examiner asserts that the specification does not disclose what structure corresponds to the recited means-plus-function elements. In response, Applicants point out that claims 12-22 have been amended to remove the means-plus-function limitations, thereby obviating these objections.

The Examiner asserts that claim 13 is indefinite because it refers to claim 12 as being a method. Applicants have amended claim 13 to refer to claim 12 as a system.

The Examiner asserts that claim 23 is indefinite because it is unclear what steps are being performed. Also, the Examiner asserts that claim 23 is indefinite because the specification does not define what element(s) are included in the “computer-readable software means” recited in the claim. Applicants have amended claim 23 to recite,

“A computer program stored on a computer-readable storage medium, the program comprising instructions to be executed by one or more computers to perform the combination of steps recited in claim 1 or 24.”

As such, it is clear what steps are to be performed by the claimed computer program instructions. Also, amended claim 23 no longer refers to “computer-readable software means.”

In view of the foregoing, Applicants respectfully submit that amended claims 1-23 meet the definiteness requirement under § 112, 2nd paragraph. Accordingly, the Examiner is respectfully requested to reconsider and withdraw this rejection.

Rejection Under 35 U.S.C. § 101

Claims 12-22:

Claims 12-22 are rejected under 35 U.S.C. § 101 as being directed to nonstatutory subject matter. In particular, the Examiner asserts that the claimed “Means for limiting” includes firewall functionality, which could be implemented as a computer program per se.

Applicants have amended independent claim 12 to recite “A system” comprising the following elements: “a device configured as a connection-formation system,” “a device configured as a mediator,” “a device configured as a traffic limiter,” and a “traffic relaying system including a network.” Accordingly, Applicants submit that none of the elements in claim 12 can be interpreted as a computer program per se. Thus, Applicants respectfully submit that

independent claim 12 recites statutory subject matter under § 101, as well as dependent claims 13-22.

In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw this rejection.

Claim 23:

Claim 23 stands rejected under § 101 as being directed to nonstatutory subject matter, particularly, a computer program per se. As amended, claim 23 now recites,

“A computer program stored on a computer-readable storage medium, the program comprising instructions to be executed by one or more computers to perform the combination of steps recited in claim 1 or 24.”

As such, Applicants submit that amended claim 23 is directed to a statutory article of manufacture, rather than a computer program per se. Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw this rejection.

Rejection Under 35 U.S.C. § 103

Claims 1, 12, and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0093481 to Mitchell et al. (hereafter “Mitchell”) in view of U.S. Patent Application Publication No. 2002/0026515 to Michielsens et al. (hereafter “Michielsens”), U.S. Patent No. 6,101,250 to Tiainen (hereafter “Tiainen”) and U.S. Patent Application Publication No. 2003/0040280 to Koskelainen (hereafter “Koskelainen”). This rejection is respectfully traversed.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Applicants respectfully submit that the above-cited references, taken separately or in combination, fail to teach or suggest every claimed feature.

For instance, claims 1, 12, and 23 each require monitoring data communications connection individually for a session *actively being transmitted* for services being provided, and controlling the billing to be charged session-specifically based on the monitored services. Further, claims 1, 12, and 23 require a two-way signalling link be established between the connection-formation system and the billing system through a mediator.

It is respectfully submitted that the aforementioned features are neither taught nor suggested in Mitchell, Michielsens, Tiainen, and Koskelainen, taken separately or in combination.

As to Mitchell, the Examiner acknowledges that Mitchell fails to disclose billing functionality (Off. Act. at ¶ 22, p. 6). Also, the Examiner acknowledges in the Office Action that Mitchell fails to disclose any uses for the signalling connection other than connection establishment (¶ 24, p. 7).

As to Michielsens, the invention disclosed therein provides services on a *pre-billed* basis. I.e., Michielsens' invention only allows data services *which are already paid for* to be provided during a session (see ¶ 0067). As such, Michielsens fails to teach or suggest monitoring services provided during an active session and controlling billing to be charged for those services, as claimed.

As to Koskelainen, this reference is being relied upon for its teachings regarding a push proxy which utilizes different packet protocols (see Off. Act. at ¶ 23, p. 7). Applicants submit that Koskelainen fails to disclose anything with respect to the claimed billing.

As to Tiainen, the invention disclosed in this reference handles call controlling in an Intelligent Network, i.e., circuit switched embodiment. As such, this reference is not reasonably pertinent to the packet-switched network embodiment of the present invention. Further, this reference does not provide a relevant teaching with respect to the claimed billing.

In addition, Applicants respectfully submit that none of the above-mentioned references teaches or suggest the claimed two-way signalling link.

In view of the foregoing, Applicants respectfully submit that the applied references fail to teach or suggest every claimed feature. At least for this reason, Applicants submit that claims 1, 12, and 23 are allowable. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw this rejection.

New Claims

Claims 24-27 are newly filed. It is respectfully submitted that the filing of these new claims do not add any new matter to the present application. Further, it is respectfully submitted that new independent claims 24 and 26 are allowable over the currently cited references at least for the reasons set forth above in connection with claims 1, 12, and 23.

Conclusion

Since the remaining references cited by the Examiner have not been utilized to reject the claims, but to merely show the state of the art, no comment need be made with respect thereto.

In view of the above amendments and remarks, the Examiner is respectfully requested to reconsider the outstanding rejections and issue a Notice of Allowance in the present application.

Should the Examiner believe that any outstanding matters remain in the present application, the Examiner is respectfully requested to contact Jason W. Rhodes (Reg. No. 47,305) at the telephone number of the undersigned to discuss the present application in an effort to expedite prosecution.


Application No. 10/516,740
Amendment dated December 1, 2008
Reply to Office Action of June 30, 2008

Docket No.: 0365-0614PUS1

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: December 1, 2008

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Attachments